

1429.002

REMARKS

Entry of the above amendments, reconsideration of the application, and allowance of the claims pending herein are respectfully requested in view of the remarks below. Claims 1, 5-13, 17, 21-28, 32, and 36 are now pending in this case.

Objection to the Drawings

In the Office Action, the drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims.

By this amendment, the claims reciting the object being a miniature racing car, a fishing lure, or objects relating to baseball, basketball, football, hockey, soccer, tennis, skiing, and wrestling have been canceled. The introduction of new matter has been carefully avoided.

Accordingly, this objection to the drawings has been respectfully rendered moot.

35 U.S.C. §102(b) Rejection

In the Office Action, claims 1-11 and 17-24 were rejected under 35 U.S.C. 102(b) as being unpatentable over Feher (U.S. Patent No. 861,822). Claims 2-4 and 18-20 have not been given patentable weight since the object is not positively claimed in combination with the sports commemorator. Applicants respectfully, but most strenuously traverse these rejections for the following reasons.

With reference to Feher, Feher discloses an embossed picture showing a scene of a historical or biblical nature. The embossed picture includes a frame for supporting an embossed piece of celluloid 6 which can be suitably colored, painted or printed to produce a life-like effect of a person in the picture. The embossed picture also includes an outer celluloid sheet 7.

When asserting a Section 102 rejection, it is well established that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function.

Feher fails disclose a sports commemorator having a cover with a first transparent portion configured to conform to a picture and a second transparent portion which is configured to conform to a sports related object.

More particularly, Feher fails to disclose a sports commemorator for displaying a picture on a layer and an object "related to a sport" and in which the sports commemorator includes a "cover formed with first and second transparent portions, said first transparent portion serving to buttress said layer, said second transparent portion serving to receive said object" as recited in claim 1, or a "transparent member formed with an expanse including a hollow protuberance, a section of said expanse serving to buttress said layer, said hollow protuberance serving to receive said object" as recited in claim 17.

As Feher fails to disclose at least one element of the claimed invention (e.g., the cover as discussed above), Feher does not anticipate applicants' invention as claimed. Applicants respectfully submit that dependent claims 5-11, and 21-24 are patentable for the same reasons discussed above with respect to independent claims 1 and 17, as well as for their own additional features.

1429.002

With regard to claims 2-4 and 18-20, these claims have been canceled.

35 U.S.C. §103 Rejection

In the Office Action, claims 11-16 and 25-35 were rejected under U.S.C. §103(a) as being as being unpatentable over Feher in view of Rand (U.S. Patent No. 405,678), and claims 14-16, 29-31, and 33-35 were rejected under U.S.C. §103(a) as being as being unpatentable over Feher in view of Rand and Hickey, Jr. (U.S. Patent No. 5,845,778). Applicants respectfully, but most strenuously traverse these rejections for the following reasons.

As described above Feher, Feher fails to disclose a sports commemorator having a cover with a first transparent portion configured to conform to a sports related picture and a second transparent portion which is configured to conform to a sports related object.

Rand discloses a frame having a curved glass extending over and spaced-apart from a picture and a bird, and Hickey, Jr. discloses a hat display structure having a transparent layer 14 which conforms to a baseball hat 24 and to a plaque 20 describing the significance of the cap. Rand neither discloses the curved glass having a first portion buttressing the picture nor a second portion conforming to the bird. Hickey, Jr. fails to disclosed a picture or the transparent layer conforming to the picture. In addition, Hickey, Jr. fails to disclosed a sports related picture or the transparent layer confirming to the sports related picture.

More particularly, Feher, Rand, and Hickey, Jr. all fail to disclose a sports commemorator for displaying sports related picture and object in which the sports commemorator includes a "cover formed with first and second transparent portions, said first transparent portion serving to buttress said layer,

1429.002

said second transparent portion serving to receive said object" as recited in claims 11-13 (claims 14-16 having been canceled), a "transparent member formed with an expanse including a hollow protuberance, a section of said expanse serving to buttress said layer, said hollow protuberance serving to receive said object" as recited in claims 25-28 (claims 29-31 having been canceled), or a method for displaying a sports related object and picture which includes "superimposing the transparent chamber over the object in the open interior" and "superimposing the transparent expanse over the picture on a layer in the open interior" as recited in claims 32 (claims 33-35 having been canceled) or new claims 36.

It is respectfully submitted that claims 11-13, 25-28, 32, and 36, would not have been rendered obvious in view of Feher, Rand, and Hickey, Jr. either alone or in combination. In addition, Feher, Rand, and Hickey, Jr. fails to disclose a sports commemorator where the picture is visually associated with the sports related object as recited in claims 12, 27, and new claim 36.

Fifteen claims have been canceled and one claim has been added so that no additional official fees are required for new claims 36.

Lastly, as the amendment to the claims only results in deletion of certain claims and the addition of one new claim as set forth above in the amendment section of this response, it is respectfully submitted that a marked-up version of the changes made to the application by the current amendment is not required.

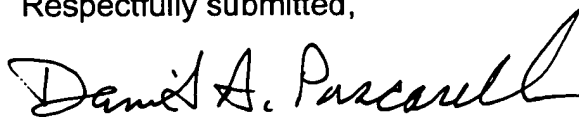
#### CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

1429.002

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, reading "David A. Pascarella". The signature is fluid and cursive, with a long horizontal stroke at the end.

David A. Pascarella  
Attorney for Applicants  
Registration No. 36,632

Dated: December 18, 2001

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle

Albany, New York 12203-5160

Telephone: (518) 452-5600

Facsimile: (518) 452-5579